

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IRA PERRY,

Plaintiff,

v.

E. TOOTELL, et al.,

Defendants.

No. C 13-03333 YGR (PR)

**VACATING ORDER DISMISSING
PLAINTIFF'S ACTION WITHOUT
PREJUDICE**

Plaintiff, a state prisoner, filed this *pro se* civil rights action.

In an Order dated August 23, 2013, the Court dismissed this action for failure to file a complaint and to provide a proper *in forma pauperis* (IFP) application. The record shows that Plaintiff filed his complaint and a complete IFP application on August 22, 2013; however, they were not entered into the Court's electronic database until August 27, 2013. In view of this, it is clear that Plaintiff's action was dismissed erroneously. Therefore, the Court's August 23, 2013 Order of Dismissal Without Prejudice is VACATED. The Clerk of the Court shall REOPEN this action.

IT IS SO ORDERED.

DATED: August 30, 2013


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE